

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 10-12, 39-43, 45-51, 59-62 and 68-71 are pending in this application. Claims 10, 11, 12, 39, 41, 42, 43, 47, 48, 49, 59, 61 and 62 are independent. New claims 68-71 are hereby added. Claims 10-12, 39-42, 43, 47-49, 59, 61 and 62 are hereby amended. Claims 1-9, 13-38, 44, 52-58 and 63-67 are hereby canceled without prejudice or disclaimer of subject matter. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e)**

Claims 13-24, 26-29 and 52-58 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,574,609 to Downs et al. The present amendment cancels those claims, rendering the rejection moot.

### **III. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,609 to Downs et al. in view of U.S. Patent No. 6,330,671 to Aziz and

further in view of U.S. Patent No. 6,704,419 to Sakajiri. Claims 1-3 are hereby canceled, rendering the rejection moot.

Claims 4-9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,609 to Downs et al. in view of U.S. Patent No. 6,629,243 to Kleinman et al. and further in view of U.S. Patent No. 6,473,860 to Chan. Claims 4-9 are hereby canceled, rendering the rejection moot.

Claims 10-12, 33-39 and 40-51 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,609 to Downs et al. in view of U.S. Patent No. 6,421,779 to Kuroda et al. and further in view of U.S. Patent No. 6,594,758 to Okui.

Claims 60-66<sup>1</sup> were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,609 to Downs et al. in view of U.S. Patent No. 6,421,779 to Kuroda.

Claims 25 and 30-32 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,609 to Downs et al.

Claims 25 and 30-32 are hereby canceled, rendering the rejection moot.

#### **IV. RESPONSE TO REJECTIONS**

As stated above, pending claims 10-12, 39, 41-43, 47-49, 59, and 61-67 are independent.

Claims 10-12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,609 to Downs et al. in view of U.S. Patent No. 6,421,779 to Kuroda et al. and further in view of U.S. Patent No. 6,594,758 to Okui.

Claim 10 recites, *inter alia*:

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<sup>1</sup> The Office Action states claims 60-66 are rejected. Applicants believe the Examiner intended to include claims 59 and 67 in this group since claims 59 and 67 were not indicated as allowable.

“...first storage means, for storing an encrypted first key encrypted by a second key, the first storage means comprising:  
first authenticating means for authenticating and generating a temporary key;  
first encrypting/decrypting means for decrypting the encrypted first key with the second key, and for encrypting the first key with the temporary key; and  
transmitting means for transmitting the encrypted first key with the temporary key;  
decoding means comprising:  
second authentication means for authenticating the first storage means and sharing the temporary key with the first storage means;  
receiving means for receiving the encrypted first key with the temporary key from the first storage means;  
second encrypting/decrypting means for decrypting the encrypted first key with the temporary key; and  
wherein the decoding means decodes the information with the first key obtained by the second encrypting/decrypting means.” (emphasis added)

As understood by Applicants, U.S. Patent No. 6,574,609 to Downs et al. relates to a method of managing content data and associated metadata. According to the method, the content data and the associated metadata are generated and the content data is transferred to a content host, and the metadata and usage condition data for the associated content are transferred to an electronic store. The metadata and/or the usage condition data are altered in order to form promotional data, and the promotional data is transferred from the electronic store to a customer's system. The content data is encrypted with a first encrypting key before being transferred to the content host. The first encrypting key is encrypted with a second encrypting key, and the encrypted first encrypting key is transferred along with the metadata and usage condition data to the electronic store. Additionally, the encrypted first encrypting key is transferred along with the promotional data to the customer's system. (See Abstract)

As understood by Applicants, U.S. Patent No. 6,421,779 to Kuroda relates to an electronic data storage apparatus that includes a data storage unit for storing electronic data; an

authentication information generation unit for generating authentication information used in detecting an amendment made to the stored electronic data; and an authentication information data output unit for outputting the electronic data after adding to the electronic data the authentication information generated for the electronic data. When an authorization unit authorizes the electronic data storage apparatus after it is determined that the specification of the electronic data satisfies a predetermined condition, or when mutual authentication is performed between electronic data storage apparatuses, the electronic data storage apparatus stores the data. Thus, the electronic data can be protected from being illegally amended or deleted, and can be safely stored in a format in which sufficient legal evidence can be maintained on the electronic data.

As understood by Applicants, U.S. Patent No. 6,594,758 to Okui relates to a server that generates and encrypts a work key (Kw) and delivers the key to receiving terminals. The server further updates scramble key (Ks) at a predetermined interval and delivers the key to the terminals. A contents server encrypts service contents using the Kw and the Ks to deliver the contents to an IP address for the group. A delivering router receives the contents and delivers the content to the receiving terminals based on the IP address.

Applicants submit that nothing has been found in the cited portions of U.S. Patent No. 6,574,609 to Downs et al., (hereinafter, merely "Downs") U.S. Patent No. 6,421,779 to Kuroda et al. (hereinafter, merely "Kuroda") and U.S. Patent No. 6,594,758 to Okui (hereinafter, merely "Okui"), taken alone or in combination, that would teach or suggest the above-identified features of claim 10. Therefore, Applicants submit that claim 10 is patentable.

Independent claims 11 and 12 are similar in scope and believed to be patentable for similar reasons.

Independent claims 39, 41-43, 47, 48 and 49 were rejected under 35 U.S.C.

§103(a) as allegedly unpatentable over U.S. Patent No. 6,574,609 to Downs et al. in view of U.S. Patent No. 6,421,779 to Kuroda et al. and further in view of U.S. Patent No. 6,594,758 to Okui.

Independent claim 39 recites, *inter alia*:

“...permission information generation means for generating permission information of the data or updating the permission information on processing the data ;  
authentication information generation means for generating authentication information of the permission information; and  
storage means for storing the authentication information.” (emphasis added)

Applicants submit that nothing has been found in Downs, Kuroda or Okui, taken alone or in combination, that would teach or suggest the above-identified features of claim 39. Therefore, Applicants submit that claim 39 is patentable.

Independent claims 41 and 42 are similar in scope and believed to be patentable for similar reasons.

Independent claim 43 recites, *inter alia*:

“...interfacing means for interfacing with the information storage medium;  
authentication information generation means for generating authentication information of the information as a result of calculating the information;  
storage means for storing the authentication information;  
verification means for generating another authentication information by the authentication information generating and verifying coincidence with the authentication information stored by the storage means; and  
control means for storing the information to the information storage medium according to the coincidence.” (emphasis added)

Applicants submit that nothing has been found in Downs, Kuroda or Okui, taken alone or in combination, that would teach or suggest the above-identified features of claim 43. Therefore, Applicants submit that claim 43 is patentable.

Independent claims 47-49 are similar in scope and believed to be patentable for similar reasons.

Independent claim 59 recites, *inter alia*:

“...interfacing means for communicating with the external storage medium; authenticating means for authenticating the external storage medium and sharing a predetermined key with the external storage medium; encrypting means for encrypting the data with the predetermined key; and transmitting the encrypted data via the interfacing means to the external storage medium.” (emphasis added)

Applicants submit that nothing has been found in Downs or Kuroda, taken alone or in combination, that would teach or suggest the above-identified features of claim 59.

Therefore, Applicants submit that claim 59 is patentable.

Independent claims 61 and 62 are similar in scope and believed to be patentable for similar reasons.

## **V. DEPENDENT CLAIMS**

The other claims in this application are each dependent on one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

## **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner

specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,  
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